

**FILED**  
STATESVILLE, N.C.

AUG 3 2015

U.S. District Court  
Western District of N.C.

SEALED,TERMED

**U.S. District Court  
Eastern District of Kentucky (London)  
CRIMINAL DOCKET FOR CASE #: 6:15-mj-06054-HAI All  
Defendants \*SEALED\*  
Internal Use Only**

Case title: USA v. Browning

Date Filed: 07/29/2015

Other court case number: 3:15-mj-279

Date Terminated: 07/30/2015

Western District of  
North Carolina-  
Statesville Div

Assigned to: Magistrate  
Judge Hanly A. Ingram

**Defendant (1)**

**David Lynn Browning**  
*TERMINATED: 07/30/2015*

represented by **Travis Alan Rossman**  
Rossman Law, PLLC  
220 Court Square  
P.O. Box 209  
Barbourville, KY 40906  
606-546-2242  
Fax: 606-545-5284  
Email:  
travisrossman@hotmail.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*  
*Designation: CJA*  
*Appointment*

I certify that this is a true and correct  
copy of the original filed in my office.  
ROBERT R. CARR, CLERK

By: J Brock

Date: 7-31-15

**Pending Counts**

**Disposition**

None

**Highest Offense Level**  
**(Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

18:2251(d)(1)and (e)  
Conspiracy to advertise child  
pornography

**Disposition**



---

**Plaintiff**

USA

represented by **Jason D. Parman**  
U.S. Attorney's Office -  
London  
601 Meyers Baker Road  
Suite 200  
London, KY 40741-3035  
606-330-4831  
Fax: 606-864-3590  
Email:  
Jason.Parman@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

*Designation: Assistant U.S.  
Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/29/2015	<u>1</u>	Rule 40 Documents as to David Lynn Browning (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> SEALED Exhibit 3)(MRS) Modified text on 7/30/2015 (MRS). (Entered: 07/30/2015)
07/30/2015		CJA Case Assignment by Clerk for David Lynn Browning. CJA Attorney Travis Alan Rossman for David Lynn Browning selected by random draw. cc: COR, USP, USM, CJA (MRS) (Entered: 07/30/2015)
07/30/2015		CLERK'S VIRTUAL NOTICE re: HEARING SCHEDULE as to David Lynn Browning cc: COR, USM, USP <u>INITIAL APPEARANCE - Rule 40</u> set for 7/30/2015 at 02:30 PM in LONDON before Magistrate Judge Hanly A. Ingram.(MRS) (Entered: 07/30/2015)
07/30/2015	 <u>2</u>	arrest WARRANT Returned Executed on 7/29/15 in case as to David Lynn Browning. (SYD) (Entered: 07/30/2015)
07/30/2015	 <u>3</u>	CJA 23 Financial Affidavit by David Lynn Browning (SYD) (Entered: 07/30/2015)
07/30/2015	<u>4</u>	MINUTE ENTRY for INITIAL APPEARANCE IN RULE 5(c)(3) Proceedings as to David Lynn Browning held on 7/30/2015 before Magistrate Judge Hanly A. Ingram: Defendant, having been arrested on a warrant from the Western District of North Carolina (Statesville), Case Number: 3:15-MJ-279, appeared before the Court. The United States requested detention. Defendant waives the detention hearing until he reaches his charging District. Counsel did not question the validity of the issuing documents in this

		matter. A separate order shall issue. Because the underlying case is sealed, Defendant and defense counsel were ordered not to disclose the Complaint and Affidavit, or the substance thereof, to anyone. Dft stipulates to his identity. Ordered Travis Rossman apptd atty under CJA. Dft shall be transferred to WDNC. Preliminary hrg waived in this district. Dft remanded to custody of USM. Detention hrg continued until dft reaches charging district. Travis Rossman appeared as Appointed CJA counsel of record. (Tape #KYED-LON_6-15-MJ-6054-HAI_20150730_143156.) Signed by Hanly A. Ingram. (JMB)cc: COR,USM,USP (Entered: 07/31/2015)
07/30/2015	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to David Lynn Browning. Defendant committed to Western District of North Carolina.. Signed by Magistrate Judge Hanly A. Ingram on 7/30/2015. (JMB)cc: COR,USM,USP (Entered: 07/31/2015)
07/30/2015		Terminated defendant in Magistrate Case David Lynn Browning, pending deadlines, and motions.. (JMB) (Entered: 07/31/2015)
07/31/2015	<u>6</u>	Letter to US District Court of Western District of North Carolina re criminal case transfer as to David Lynn Browning (JMB) (Entered: 07/31/2015)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
NORTH CAROLINA, CASE NO.  
3:15-MJ-279

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID LYNN BROWNING,

Defendant.

No. 6:15-MJ-6054-HAI

ORDER

\*\*\* \*\*

An arrest warrant was issued by the United States District Court for the Western District of North Carolina pursuant to a complaint charging Defendant with a violation of 18 U.S.C. § 2251(d)(1) and (e). Defendant was arrested in the Eastern District of Kentucky and, on the next day, the Court conducted an initial appearance in accordance with Federal Rule of Criminal Procedure 5(c)(3). The United States was represented by Jason Parman. Defendant was appointed Travis Alan Rossman under the CJA to represent him in this District.

The Court advised Defendant of his constitutional rights, ensured an adequate opportunity for counsel to confer with Defendant, and ensured that Defendant understood the nature of the charges resulting in the warrant. The Court also advised Defendant of his Rule 20 rights.

Defendant waived his right to contest identity in this District under Rule 5(c)(3)(D)(ii).

Furthermore, the arrest warrant was provided to the Court in reliable electronic form pursuant to

I certify that this is a true and correct  
copy of the original filed in my office.  
ROBERT R. CARR, CLERK

By: J. Brock  
Date: 7-31-15

Rule 5(c)(3)(D)(i), and Defendant did not contest the validity of the issuing documents in this matter.

Upon motion of the United States for detention, Defendant sought to defer any detention hearing to the charging district. The Court granted that request.

Being adequately advised, **IT IS HEREBY ORDERED THAT:**

1. Defendant is held to answer in the prosecuting district. The Court hereby transfers Defendant to the Western District of North Carolina pursuant to Rule 5(c)(3)(D).

2. The U.S. Marshal is commanded to maintain custody of the above named Defendant and to transport Defendant, together with a copy of this Order, to the charging district and to deliver Defendant to the United States Marshal for that district, or to another officer authorized to receive Defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for the district of Defendant's arrival so that further proceedings may be promptly scheduled.

3. The clerk of this district must promptly transmit the papers and any bail to the charging district.

This the 30th day of July, 2015.



**Signed By:**

Hanly A. Ingram

A handwritten signature in black ink, appearing to read "HAI", written over the printed name.

**United States Magistrate Judge**

21  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
CRIMINAL MINUTES-INITIAL APPEARANCE

Case No. 6:15-MJ-6054-HAI-1 At: LONDON Date: July 30, 2015  
Western District of North Carolina-Statesville Division Case No. 3:15-MJ-279

U.S.A. vs David Lynn Browning X present X custody

DOCKET ENTRY: Defendant, having been arrested on a warrant from the Western District of North Carolina (Statesville), Case Number: 3:15-MJ-279, appeared before the Court. The United States requested detention. Defendant waives the detention hearing until he reaches his charging District. Counsel did not question the validity of the issuing documents in this matter. A separate order shall issue. Because the underlying case is sealed, Defendant and defense counsel were ordered not to disclose the Complaint and Affidavit, or the substance thereof, to anyone.

PRESENT: HON. HANLY A. INGRAM, MAGISTRATE JUDGE

Sheila Douglas  
Deputy Clerk

Audio File Number  
Court Reporter

Jason Parman  
Assistant U.S. Attorney

I, Sheila Douglas, Deputy Clerk, CERTIFY the official record of this proceeding is an audio file KYED-LON\_6-15-MJ-6054-HAI\_20150730\_143156.

Counsel for Deft Travis Rossman X present    retained X appointed

PROCEEDINGS: INITIAL APPEARANCE RULE 5(c)(3) HEARING

- X Copy of Complaint (Western District of North Carolina) previously given to counsel for defendant.
- X Defendant states true name is David Lynn Browning.
- X Defendant STIPULATES to his identity. The Court finds the stipulation is knowingly, voluntarily competently and intelligently entered into and is consistent with the advice of his counsel.
- Waiver Appointment of Attorney executed and filed.
- Defendant advised the Court that he/she will retain counsel.
- X Defendant requests that the Court appoint counsel.
- Financial Affidavit shall be secured by the United States Probation Officer.
- X Court finds defendant qualifies for Court appointed counsel under provisions of CJA.
- X Ordered Travis Rossman is appointed Attorney under the Criminal Justice Act for this date only.
- X Defendant advised of the nature of charges and possible penalties.

I certify that this is a true and correct copy of the original filed in my office.  
ROBERT R. CARR, CLERK

X Defendant advised of his constitutional rights and the provisions of Rule 20.

— For the reasons as stated on the record, the defendant is released from the custody of the United States Marshal pursuant to the terms and conditions set forth in the Order Setting Conditions of Release. The Defendant shall appear at the United States Courthouse, for arraignment.

X For the reasons as stated on the record, Defendant shall be transferred to the Western District of North Carolina pursuant to Rule 5 and Rule 40.

X Preliminary Hearing waived in this District. Defendant reserves the right to a preliminary hearing in the prosecuting district.

X For reasons as stated on the record, the defendant is remanded to the custody of the United States Marshal. The detention hearing is continued until the Defendant reaches the charging District. The US Marshal shall transport Defendant to the charging District.

cc: USA,USP,USM  
CJA Clerk

TIC: 23 min.



Signed By:

Hanly A. Ingram

A handwritten signature in black ink, appearing to read "HAI", written over the printed name.

United States Magistrate Judge



FINANCIAL AFFIDAVIT			
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICE WITHOUT PREPAYMENT OF FEE			
CJA 23 (Rev. 11/11)			
IN THE UNITED STATES <input type="checkbox"/> DISTRICT COURT <input type="checkbox"/> COURT OF APPEALS <input type="checkbox"/> OTHER (Specify below)			
IN THE CASE OF			
U.S. v. <u>David Branning</u>			
FOR	JUL 30 2015		
AT	ROBERT R. CARR CLERK U.S. DISTRICT COURT		
PERSON REPRESENTED (Show your full name)			
CHARGE/OFFENSE (describe if applicable & check box—)	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		
	1 <input checked="" type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 6 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify)		
	LOCATION NUMBER <div style="border: 1px solid black; padding: 5px; text-align: center;">0643</div>		
	DOCKET NUMBERS Magistrate Judge <u>HAI</u> District Court <u>15-mj-06054</u> Court of Appeals		

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

	INCOME & ASSETS	ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY										
	<b>EMPLOYMENT</b>	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed										
		Name and address of employer: _____										
		IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment? <u>9/2013</u> How much did you earn per month? \$ <u>100</u>										
		If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, how much does your spouse earn per month? \$ _____ If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____										
	<b>OTHER INCOME</b>	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
		<table style="width: 100%;"> <tr> <th style="width: 50%;">RECEIVED</th> <th style="width: 50%;">SOURCES</th> </tr> <tr> <td>IF YES, give the amount received and identify the sources</td> <td></td> </tr> <tr> <td>\$ _____</td> <td></td> </tr> <tr> <td>\$ _____</td> <td></td> </tr> <tr> <td>\$ _____</td> <td></td> </tr> </table>	RECEIVED	SOURCES	IF YES, give the amount received and identify the sources		\$ _____		\$ _____		\$ _____	
RECEIVED	SOURCES											
IF YES, give the amount received and identify the sources												
\$ _____												
\$ _____												
\$ _____												
	<b>CASH</b>	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, total amount? \$ _____										
	<b>PROPERTY</b>	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
		<table style="width: 100%;"> <tr> <th style="width: 50%;">VALUE</th> <th style="width: 50%;">DESCRIPTION</th> </tr> <tr> <td>IF YES, give value and description for each</td> <td></td> </tr> <tr> <td>\$ _____</td> <td></td> </tr> <tr> <td>\$ _____</td> <td></td> </tr> <tr> <td>\$ _____</td> <td></td> </tr> </table>	VALUE	DESCRIPTION	IF YES, give value and description for each		\$ _____		\$ _____		\$ _____	
VALUE	DESCRIPTION											
IF YES, give value and description for each												
\$ _____												
\$ _____												
\$ _____												

	OBLIGATIONS & DEBTS	OBLIGATIONS & DEBTS														
	<b>DEPENDENTS</b>	MARITAL STATUS <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input checked="" type="checkbox"/> Separated or Divorced														
	<b>DEBTS &amp; MONTHLY BILLS</b> (Rent, utilities, loans, charge accounts, etc.)	<table style="width: 100%;"> <tr> <th style="width: 60%;">DESCRIPTION</th> <th style="width: 20%;">TOTAL DEBT</th> <th style="width: 20%;">MONTHLY PAYMENT</th> </tr> <tr> <td><u>medical debt</u></td> <td>\$ <u>150</u></td> <td>\$ <u>8</u></td> </tr> <tr> <td><u>student loan</u></td> <td>\$ <u>502</u></td> <td>\$ <u>8</u></td> </tr> <tr> <td></td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td></td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table>	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	<u>medical debt</u>	\$ <u>150</u>	\$ <u>8</u>	<u>student loan</u>	\$ <u>502</u>	\$ <u>8</u>		\$ _____	\$ _____		\$ _____
DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT														
<u>medical debt</u>	\$ <u>150</u>	\$ <u>8</u>														
<u>student loan</u>	\$ <u>502</u>	\$ <u>8</u>														
	\$ _____	\$ _____														
	\$ _____	\$ _____														
		List persons you actually support and your relationship to them <u>Evan Branning / 15 yoa</u> <u>Kalen Branning / 14 yoa</u> <u>Mikema Branning / 9 yoa</u> <div style="text-align: right;">3 no support</div>														

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT  
 (OR PERSON REPRESENTED)

7/30/2015  
 Date  
 I certify that this is a true and correct copy of the original filed in my office.  
 ROBERT R. CARR, CLERK

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the  
Western District of North Carolina

United States of America  
v.  
DAVID LYNN BROWNING

Case No. 5:15mj 279

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) DAVID LYNN BROWNING  
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint  
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

DAVID LYNN BROWNING, with others known and unknown, did conspire to advertise child pornography, in violation of 18 U.S.C. §§ 2251(d)(1) and (e).

Date: 07/29/2015

City and state: Charlotte, North Carolina

David S. Keesler  
Issuing officer's signature

David S. Keesler, U.S. Magistrate Judge  
Printed name and title

Return	
This warrant was received on (date) <u>07/29/2015</u> , and the person was arrested on (date) <u>07/29/2015</u> at (city and state) <u>Lexington, KY</u>	
Date: <u>07/30/2015</u>	<u>Christopher A. Hubbs</u> Arresting officer's signature Special Agent Printed name and title FBI

I certify that this is a true and correct  
copy of the original filed in my office.  
ROBERT R. CARR, CLERK

By: A. Brock  
Date: 7-31-15

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
Office of the Clerk

Robert R. Carr  
Clerk of Court

Nathan W. Lee  
Chief Deputy Clerk



310 S. Main Street  
London, KY  
40741

PH:606-877-7910

RECEIVED  
STATESVILLE, NC  
AUG 3 2015  
Clerk, U. S. Dist. Court  
W. Dist. of N. C.

July 31, 2015

Clerk, U.S. District Court  
200 West Broad Street, Room 304  
Statesville, NC 28677

Subject: NOTICE TO RECEIVING DISTRICT OF CRIMINAL CASE TRANSFER

In Re: Your Case Number: 3:15-MJ-279; Our Case Number: 6:15-MJ-6054-HAI  
USA v. David Lynn Browning

Dear Clerk,

Pursuant to the attached Commitment Order the defendant is being transferred to your court. Please find attached certified copies of all documents filed with our Court for the above referenced case.

If any assistance is needed regarding financial information, please contact Donna Lee (Financial Supervisor), at [Donna\\_S\\_Lee@kyed.uscourts.gov](mailto:Donna_S_Lee@kyed.uscourts.gov). By cc: of this email, our finance office is notified to forward any pertinent information to you.

If you have any further questions, please contact our office operations at:  
[InterdistrictTransfer\\_KYED@kyed.uscourts.gov](mailto:InterdistrictTransfer_KYED@kyed.uscourts.gov)

Should your email address for accepting electronic transfers need to be updated, forward that information to the Northern District of Texas at  
[InterDistrictTransfer\\_TXND@txnd.uscourts.gov](mailto:InterDistrictTransfer_TXND@txnd.uscourts.gov)

Please respond to this letter to acknowledge receipt with your assigned case number.

Sincerely,

  
Jackie Brock, Deputy Clerk